



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

In Reply Refer To: 3AT21

JUN 06 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Dworek
USX Corporation
600 Grant Street
Pittsburgh, Pennsylvania 15219-2749

Re: Notice of Violation Issued to
USX Corporation
Clairton and Edgar Thomson Plants
Plant Identification #s 42-003-00032 and 42-003-00202

Dear Mr. Dworek:

The United States Environmental Protection Agency (EPA) hereby informs USX Corporation, by the attached Notice of Violation, that it is operating its plants located in Clairton and Braddock, Pennsylvania in violation of applicable federally enforceable air pollution control requirements.

EPA has also sent copies of this Notice of Violation to Dr. Roger Westman, Director, Allegheny County Health Department Division of Air Quality, to Mr. Joseph Pezze, Pennsylvania Department of Environmental Resources, and to Ms. Lorraine Guevara, Senior Environmental Engineer, who oversees the environmental compliance of both plants that are in violation.

If you have any questions regarding this Notice, please contact Bernard E. Turlinski, Chief, Air Enforcement Branch at (215) 597-3989 or James W. Hagedorn, of his staff, at (215) 597-8554.

Sincerely,

Thomas J. Maslany, Director
Air, Radiation & Toxics Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

-----X
In the Matter of:

Notice of Violation
III-94-009-PA

USX Corporation
Clairton and
Edgar Thomson Facilities
AFS # 42-003-00032 and
#42-003-00202
-----X

STATUTORY AUTHORITY

This NOTICE OF VIOLATION (NOV) is issued pursuant to Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1), to USX Corporation (USX) for violations of the federally enforceable Pennsylvania State Implementation Plan (Pennsylvania SIP) at its Clairton and Edgar Thomson facilities located in Clairton and Braddock, Pennsylvania respectively. Section 113(a)(1) of the Act requires the Administrator of the United States Environmental Protection Agency (EPA) to notify a person in violation of a state implementation plan or permit of the violation. The authority to issue NOV's has been delegated to the Director of EPA Region III's Air, Radiation & Toxics Division.

FINDINGS

1. EPA and the Pennsylvania Department of Environmental Resources (DER) are directed by the Act to ensure that air pollution sources within the Commonwealth of Pennsylvania comply with the air pollution control requirements of the Pennsylvania SIP.
2. The EPA-approved Pennsylvania SIP includes 25 Pa. Code § 123.51 (Monitoring Requirements for Nitrogen Compound Emissions), which provides, in pertinent part, that "Sources subject to this section shall install, operate and maintain continuous nitrogen oxides monitoring systems and other monitoring systems to convert data to required reporting units in compliance with Chapter 139 Subchapter C (relating to requirements for continuous in-stack monitoring for stationary sources)". This same section of the SIP also stipulates that sources subject to this section shall comply by October 20, 1993 in addition to other requirements.
3. USX owns and operates plants located in both Clairton and Braddock, Allegheny County, Pennsylvania (the Facilities) where USX produces coke and coal chemicals at the Clairton plant and steel at its Edgar Thomson plant. These Facilities contain several sources of emissions of nitrogen oxides (NOx), including large boilers at the Edgar Thomson plant and a six meter battery

(Battery B) in addition to large boilers at the Clairton plant.

4. These combustion units, namely, Edgar Thomson plant Boilers Nos. 1, 2, and 3, Clairton plant Boilers Nos. 1, and 2, and the Clairton plant coke oven Battery "B", have a rated heat input of 250 million BTU's per hour or greater and have an annual average capacity factor of greater than 30 percent based on Allegheny County Bureau of Environmental Quality calculations. As such, these units are subject to the specified regulation.

5. Based on information provided to this Regional Office, USX violated 25 Pa. Code § 123.51 by failing to install, operate and maintain continuous NOx monitoring systems, as specified above, at these combustion units.

6. Therefore, USX is found to have been in violation of the federally enforceable Pennsylvania SIP, and in particular, of 25 Pa. Code § 123.51, since October 20, 1993. USX will be presumed to remain in violation until it establishes continuous compliance.

ENFORCEMENT

Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), provides that at any time after the expiration of 30 days following the date of the issuance of a Notice, the EPA Administrator, or an EPA official authorized to act as his representative, may, without regard to the period of violation,

- issue an order requiring compliance with the requirements of the state implementation plan or permit, or
- issue an administrative penalty order pursuant to Section 113(d) for civil administrative penalties of up to \$25,000 per day per violation, or
- bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties of not more than \$25,000 per day for each violation.

Further, Section 113(c) of the Act, 42 U.S.C. § 7413(c), provides for criminal penalties or imprisonment, or both, for any person who knowingly violates any plan or permit requirement more than 30 days after having been notified of the violation.

Pursuant to Section 306(a) of the Act, 42 U.S.C. § 7606(a), regulations promulgated thereunder at 40 C.F.R. Part 15, and Executive Order 11738, facilities or persons to be utilized in federal contracts, grants and loans must be in full compliance

with the Act and all regulations promulgated pursuant thereto. Violation of the Act may result in the subject facility being declared ineligible for participation in any federal contract, grant, or loan.

PENALTY ASSESSMENT CRITERIA

Section 113(e)(1) of the Act, 42 U.S.C. § 7413(e)(1), states that in determining the amount of any penalty to be assessed for violations of the Act, the Administrator or the court, as appropriate, shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

Section 113(e)(2) of the Act, 42 U.S.C. § 7413(e)(2), allows the court to assess a penalty for each day of violation from the first date of violation. Where the plaintiff makes a prima facie showing that the conduct or events giving rise to this violation are likely to have continued or recurred past the date of this NOV (or a previously issued air pollution control agency NOV for the same violation), the days of violation shall be presumed to include the date of this NOV (or the previous NOV) and each and every day thereafter until Respondent establishes that continuous compliance has been achieved, except to the extent that Respondent can prove by the preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

OPPORTUNITY FOR CONFERENCE

Respondent may, upon request, confer with EPA to discuss this NOV. If Respondent requests a conference with EPA, Respondent should be prepared to describe the causes of the violation and to describe any actions Respondent may have taken or proposes to take to bring the Facility into compliance. Respondent has the right to be represented by counsel.

Respondent must submit any request for a conference with EPA within 10 days of receipt of this NOV. A request for a conference with EPA, and/or any inquiries regarding this NOV, should be submitted in writing to:

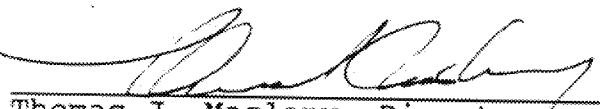
Bernard E. Turlinski, Chief
Air Enforcement Branch
U.S. Environmental Protection Agency - Region III
841 Chestnut Building
Philadelphia, PA 19107

EFFECTIVE DATE

This NOV shall be effective immediately upon receipt.

QUESTIONS REGARDING NOV

If you have any questions concerning this Notice of Violation, you may contact Mr. Bernard E. Turlinski, Chief, Air Enforcement Branch, at (215) 597-3989, or Mr. James W. Hagedorn, of his staff, at (215) 597-8554.



Thomas J. Maslany, Director
Air, Radiation & Toxics Division

June 6, 1994
Date